

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION**

United States of America,	)	
	)	
Plaintiff,	)	<b>ORDER RE WAIVER OF</b>
	)	<b>DETENTION AND PRELIMINARY</b>
vs.	)	<b>HEARINGS</b>
	)	
	)	Case No.: 3:06-mj-090
Balthazar Saenz-Aguilar,	)	
	)	
Defendant.	)	

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On July 26, 2006, the defendant made his initial on a complaint charging him with use, attempted use, and possession of an alien registration receipt card prescribed by statute or regulation knowingly it to be falsely made in violation of 18 U.S.C. § 1546(a). AUSA Brett Shasky appeared on the government's behalf. Federal Public Defender Richard Henderson was appointed as defense counsel and appeared on the defendant's behalf.

After being afforded an opportunity to consult with his attorney, the defendant advised the court that he was waiving his right to a detention hearing and preliminary hearing. The court finds that the defendant, having had an opportunity to consult with counsel, freely and voluntarily, and knowingly and intelligently waived his right to a detention hearing and a preliminary hearing and consented to be detained pending final disposition of this matter. Further, based upon the defendant's waiver of his right to a preliminary hearing, the court finds that there is probable cause to believe that the defendant may have committed the offense alleged in the complaint.

Accordingly, the court **ORDERS** that the defendant be bound over to the United States District Court to answer to the charge set forth in the complaint. In addition, the court **FURTHER ORDERS** that the defendant be committed to the custody of the Attorney General or his designated

representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultations with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 26th day of July, 2006.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.

United States Magistrate Judge